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| 10/080,264      | 02/21/2002  | James L. Webber      | DP-305654           | 9095             |

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|                  |              |
|------------------|--------------|
| EXAMINER         |              |
| CULBRETH, ERIC D |              |
| ART UNIT         | PAPER NUMBER |
| 3616             |              |

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/080,264

Applicant(s)

WEBBER ET AL

Examiner

Eric D Culbreth

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

This refers to the reference cited on page 2 of the specification.

### *Drawings*

2. The drawings are objected to because of the following informalities. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

a. Page 6, lines 21-24 are not accurate (the pretensioner does not extend above the seat cushion).

b. Page 10, lines 21-23 are not accurate (cam 66 does not have surface 90).

c. Page 16, lines 19-21 are not accurate (cam 166 does not have surface 190).

d. Regarding page 16, line 23 it is not clear how 174 is a cable guide in Figures 4-5 (it is on only one side of the cable, and the cable would not bear against it as illustrated).

e. Regarding Figures 4-5, it is not clear why the cable extends straight out through hole 146 (i.e., what supports it).

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f. In Figures 4-5, scallops 170 are on the wrong side of the cam to prevent movement toward the seat restraint (i.e., they should be on the bottom of the cam).

### *Specification*

3. The disclosure is objected to because of the following informalities: Page 19, lines 15-16 are not clear (ratio of what to what?).

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 9, 16, 19, 23, and 25-28 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Meyer et al (of record, cited by applicant).

6. Claims 3-4 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Meyer et al.

Plate 17 is a frame for operative connection to vehicle structure as functionally recited (i.e., via the aperture in the side wall to the left of cable 10). The cam is pivotally connected to

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the frame (claim 3) and plate 17 has a base wall at the bottom and opposed side walls capturing cable 10 and the cam (claims 4 and 20).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 5-7 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al in view of Wier.

Meyer et al does not teach an aperture through the base wall of the frame. Wier discloses in Figure 2 an aperture in a base wall of u-shaped frame 16 for cable 14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Meyer et al to include an aperture in the base wall as taught by Wier in order to better guide the cable as it

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retracts the safety restraint (claims 5 and 21). Meyer et al, teaches a cable fitting for connection to the seat restraint (i.e., some structure or device at the top of cable 10 of Meyer connects the buckle 11 and cable 10) (claim 6), and in the combination the cable would extend through Wier's aperture with one end of the cable connected to the cable fitting and the other end connected to piston 14 of the movable mechanism (claim 7).

10. Claims 8 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al in view of Wier as applied to claims 7 and 21 above, and further in view of Isaji et al.

Meyer et al and Wier do not teach a cable guide in the aperture. Isaji et al teaches member 129 guiding a cable 105B in a base aperture. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Meyer et al and Wier to include a member in the base aperture guiding the cable attached to the buckle in the combination as taught by Isaji et al in order to buffer the buckle when it retracts (column 4, lines 21-23 of Isaji et al).

11. Claims 10-12, 15 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al in view of Greiner.

Meyer et al does not teach a seal in an annular groove in the piston, nor a pyrotechnic device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Meyer et al to include a groove and seal on the piston and a pyrotechnic device as taught by Greiner (column 2, lines 10-20) in order to conventionally generate gas and seal around the piston so that the gas moves the piston efficiently.

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12. Claims 13-14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al in view of Downie et al.

Meyer et al does not teach the gas generator portion having a larger diameter than the piston portion. Meyer et al's tube 13 is circular, as indicated by the lines near the top of the tube in front of piston 14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Meyer et al to have a larger diameter gas generator portion as taught by Downie et al (note generant 15 in a larger area) in order to reduce pressure when slack is present (column 2, lines 2-12).

13. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al in view of Downie et al as applied to claim 17 above, and further in view of Greiner.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Meyer et al and Downie et al to include a pyrotechnic device as taught by Greiner in order to conventionally move the piston.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric D Culbreth whose telephone number is 703/308-0360. The examiner can normally be reached on Monday-Thursday, 9:30-7:00 alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703/746-3508 for regular communications and 703/308-2571 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Eric D Culbreth  
Primary Examiner  
Art Unit 3616

*Eric Culbreth*  
*1/24/03*

ec  
January 24, 2003